

**Introduced by Senator Maldonado**

February 16, 2005

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An act to add Sections 66017.5 and 69433.2 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 337, as amended, Maldonado. Postsecondary education: public postsecondary institutions.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

This bill would add a provision to the Donahoe Higher Education Act that would require the governing board of a community college district and the Trustees of the California State University, and that would request the Regents of the University of California, to immediately dismiss, from any institution within its jurisdiction, any student who is convicted of ~~an offense requiring the student to register as a sex offender under a prescribed provision of the Penal Code, pleads guilty to, or is adjudicated a delinquent minor with respect to, a violation of any of several specified offenses, including battery on a peace officer when that violation occurs at the scene of a riot or unlawful assembly; riot; incitement to riot; lynching; remaining present at the scene of a riot after a warning to disperse; and assembly for the purpose of disturbing the public peace.~~ The bill would authorize a student who is dismissed under this provision to

apply for readmission to the institution from which he or she was dismissed after at least one year has elapsed from the date of his or her dismissal.

The bill would also add to the Donahoe Higher Education Act a provision that would prohibit campuses of the California Community Colleges and the California State University from admitting any applicant ~~who is required to register as a sex offender under a prescribed provision of the Penal Code~~ *has been convicted of, pleaded guilty to, or has been adjudicated a delinquent minor with respect to, a violation of any of the offenses described above,* unless and until at least one year has elapsed from the time that the applicant has filed an otherwise timely application for admission. The bill would also express the intent of the Legislature that the Regents of the University of California adopt a policy for that university that is at least as stringent as this provision.

Because these provisions would impose new duties on community college districts, they would constitute a state-mandated local program.

(2) Existing law, known as the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, establishes the Cal Grant A and B entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

This bill would prohibit a person who has been convicted of any of several ~~prescribed~~ *specified* offenses, including ~~willful resistance, delay, or obstruction of a public officer, peace officer, or emergency medical technician; sexual battery; rape battery on a peace officer when that violation occurs at the scene of a riot or unlawful assembly; riot; incitement to riot; rout; unlawful assembly lynching; remaining present at the scene of a riot after a warning to disperse; and assembly for the purpose of disturbing the public peace; and disorderly conduct;~~ *or who is required to register as a sex offender under a prescribed provision of the Penal Code,* from being eligible for a Cal Grant award unless and until at least 2 years have elapsed from the time that the applicant has filed an otherwise timely application.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. (a) *The Legislature finds and declares all of the*  
2     *following:*

3     (1) *Riots, and similar large disturbances, are occurring with*  
4     *increasing frequency around California and throughout the*  
5     *nation.*

6     (2) *These disturbances are frequently associated with large*  
7     *gatherings of college students.*

8     (3) *Rioting, and crimes that are associated with rioting, pose*  
9     *a risk not just to the police and the community, but also to the*  
10    *student population.*

11    (b) *It is, therefore, the intent of the Legislature to deter this*  
12    *behavior by enacting legislation that will provide for dismissal*  
13    *from public postsecondary institutions, and loss of state financial*  
14    *aid, for students who commit riot-related offenses.*

15    ~~SECTION 1.~~

16    SEC. 2. Section 66017.5 is added to the Education Code, to  
17    read:

18    66017.5. Notwithstanding any other provision of law:

19    (a) (1) *The governing board of a community college district*  
20    *and the Trustees of the California State University shall, and the*  
21    *Regents of the University of California are requested to,*  
22    *immediately dismiss, from an institution within its jurisdiction,*  
23    *any student who is convicted of an offense requiring the student*  
24    ~~*to register pursuant to Section 290 of the Penal Code. A, pleads*~~  
25    *guilty to, or is adjudicated a delinquent minor with respect to, a*  
26    *violation of any of the following:*

1 (A) Subdivision (b) of Section 243 of the Penal Code, when the  
2 violation occurs at the scene of a riot or unlawful assembly.

3 (B) Section 404 of the Penal Code.

4 (C) Section 404.6 of the Penal Code.

5 (D) Subdivision (a) of Section 405 of the Penal Code.

6 (E) Section 409 of the Penal Code.

7 (F) Section 416 of the Penal Code.

8 (2) A student who is dismissed pursuant to this subdivision  
9 may apply for readmission to the institution from which he or she  
10 was dismissed after at least one year has elapsed from the date of  
11 his or her dismissal.

12 (b) (1) No campus of the California Community Colleges or the  
13 California State University shall admit any applicant who ~~is~~  
14 ~~required to register pursuant to Section 290 of the Penal Code~~  
15 ~~has been convicted of, pleaded guilty to, or has been adjudicated~~  
16 ~~a delinquent minor with respect to, a violation of any of the~~  
17 ~~following:~~

18 (A) Subdivision (b) of Section 243 of the Penal Code, when the  
19 violation occurs at the scene of a riot or unlawful assembly.

20 (B) Section 404 of the Penal Code.

21 (C) Section 404.6 of the Penal Code.

22 (D) Subdivision (a) of Section 405 of the Penal Code.

23 (E) Section 409 of the Penal Code.

24 (F) Section 416 of the Penal Code.

25 (2) An applicant to whom this subdivision applies may not be  
26 admitted to a campus of the California Community Colleges or  
27 the California State University unless and until at least one year  
28 has elapsed from the time that the applicant has filed an  
29 otherwise timely application for admission. It is the intent of the  
30 Legislature that the Regents of the University of California adopt  
31 a policy for that university that is at least as stringent as this  
32 subdivision.

33 ~~SEC. 2.~~

34 ~~SEC. 3.~~ Section 69433.2 is added to the Education Code, to  
35 read:

36 69433.2. Notwithstanding any other provision of law, a  
37 person who has been convicted of a violation of ~~Section 148,~~  
38 ~~243.4, 261, 404, 404.6, 406, 407, 409, 416, or 647 of the Penal~~  
39 ~~Code, or who is required to register pursuant to Section 290 of~~  
40 ~~the Penal Code any of the provisions listed in subdivisions (a) to~~

(f), inclusive, is not eligible to receive a Cal Grant award unless and until at least two years have elapsed from the time that the applicant has filed an otherwise timely application::

~~SEC. 3.~~

(a) Subdivision (b) of Section 243 of the Penal Code, when the violation occurs at the scene of a riot or unlawful assembly.

(b) Section 404 of the Penal Code.

(c) Section 404.6 of the Penal Code.

(d) Subdivision (a) of Section 405 of the Penal Code.

(e) Section 409 of the Penal Code.

(f) Section 416 of the Penal Code.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CORRECTIONS:

Text-pages 3, 4 and 5.